



Northwest Territory Métis Nation

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To: V. Christensen - MVEIRB	From: Jason E. Lepine - IMA Coordinator
Fax: 867-766-7074	Pages: 6 + fax cover
Phone:	Date: May 23, 2003
Re: De Beers - EA	CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:** Letter attached for your review

Copy: All Metis Councils
J. McConnell - DBCMI

NORTHWEST TERRITORY MÉTIS NATION.

May 22, 2003

VIA FACSIMILE

Vern Christensen
Executive Director
Mackenzie Valley Environmental Review Board
YELLOWKNIFE, NT

Dear Mr. Christensen,

De Beers EA – Final Submission to Public Registry

The Northwest Territory Métis Nation (NWTMN) would like to submit this final document prior to the closing of the De Beers EA Public Registry. The purpose of the document is to summarize the NWTMN's stance on the De Beers EA by outlining what we view as our greatest concerns. It is now clear to the NWTMN that given the limited time we have had to participate in the EA process and our limited resources we must rely heavily upon the MVEIRB to direct De Beers to address our concerns. We trust that you will make every effort to ensure that as a directly affected aboriginal group that the review process will take into consideration the points outlined below.

ToR 2.2.1 Fort Resolution Métis Participation

As outlined in previous correspondence and in our public presentation the NWTMN views the removal of the Fort Resolution Métis (represented by the NWTMN) from the primary community list as unacceptable. The NWTMN still holds to the idea that Fort Resolution by their very proximity (equal to that of Wha Ti) to the project should be afforded primary community status and should have received the comprehensive consultation of other primary communities. The NWTMN believes that the MVEIRB should have demanded that De Beers justify the limited consultation of Fort Resolution Métis, which directly resulted in the loss of primary community status.

We urge the MVEIRB to acknowledge and report that there has been a lack of consultation with the Métis of Fort Resolution.

Traditional South Slave Métis Land Use & Primary Community Status

History, both written and oral, will testify to the tribal wars that occurred between the Chipewyan (Fort Resolution Métis are descendants from this nation) and the Dogribs. That same history will outline that the Dogribs being the smaller and less equipped nation was forced from the majority of lands north and east of Great Slave Lake including the Snap Lake

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area. Only in recent history have the Dogrib reasserted their claim to this territory, which once again resulted in a boundary dispute prior to the signing of the Tli Cho agreement. Settlement of the dispute resulted in the Dogribs dropping vast amounts of land from their newly asserted claim. The MVEIRB and De Beers should be very careful in arbitrarily assuming that the lands around Snap Lake are primarily Dogrib, and by this decision ignoring traditional and modern claims by Métis and Chipewyan to the lands in question. This arbitrary decision can already be reflected in how De Beers is anxious to consult the Dogrib Nation and mitigate their impacts while ignoring Fort Resolution's claim to affected and primary status despite obvious geographic proximity and history. The history of the South Slave Métis is very closely tied with the history of the Chipewyan and we submit that many of our elders and those who came long before us have given today's South Slave Métis an inherent right to the lands around Snap Lake, and through that ownership a right to secure a mitigation package from De Beers.

Under the same chapter of history you will find that the primary community of Lutsel K'e (Lutsel K'e Dene Band) is actually composed of many transplanted Roche River descendants. Roche River in the heart of Métis Territory, and an original Treaty 8 signatory community, was once a thriving northern village that was relocated in the mid 20th century dispersing the majority of inhabitants to the communities of Fort Resolution and Lutsel K'e. Traditional knowledge from former Roche River residents and descendants can trace land use to the Snap Lake area as they pursued the large herds of caribou as a major food source. Once again this combined history gives South Slave Métis as much right as Lutsel K'e Dene to primary community status and a mitigation package from De Beers.

Finally, the fact that De Beers elected to consult the North Slave Métis Alliance (NSMA) at the expense of inherent South Slave Métis interests is a mockery of the current NWTMN Land and Self Government Negotiations. The 5000 member NWTMN, which by the very weight of numbers would translate into a far more broad history of land use, dwarfs the NSMA at 200 members. Furthermore, no single NWTMN member can be affiliated with any land claim in the north unlike many of our NSMA cousins who can clearly become beneficiaries of the Tli Cho Agreement. The point of affiliation is extremely important as it highlights the unique inherent rights and claims of South Slave Métis to the Great Slave Region of the NWT.

Despite the above history lessons, it should not be the responsibility of the NWTMN to prove the affected status of Fort Resolution so late into the EA process. Our combined history with our Dene neighbors is a testament to our traditional land use of the Snap Lake area. The very fact that our Dene neighbors are afforded primary community status and have acknowledged land use should be sufficient for the NWTMN to receive the same status and acknowledgement. The NWTMN did request justification from De Beers in March 2003 regarding the apparent disregard of our land use but only received a reference to information gathered from data collected by modern day authors. The response received by De Beers would make it appear that the last 250 years of land use by South Slave Métis is insufficient to warrant primary community status. Given that the Government of Canada has

acknowledged South Slave Métis traditional land use of the area in question it is disrespectful for De Beers to judge otherwise, especially while being the lesser informed.

At this time the NWTMN would like to submit portions (Page 8, Para 1, Sentence 3) of De Beers' own Type "B" Water License Renewal application to the MVLWB for their Kennady Lake exploration activity. We present as evidence that the NWTMN's claim to traditional knowledge and traditional land use to the Snap Lake area is justified and acknowledged by De Beers through their own document. We base this claim on the relative short distance of Kennady Lake to Snap Lake a mere 85 km, short by northern standards. And that it is fair to say that the same traditional knowledge and use can be accepted as relevant in the Snap Lake EA.

We once again urge the MVEIRB to conclude in its final report that there has been an oversight and that the community of Fort Resolution will experience impacts similar to those impacts held by Dogrib communities, Lutsel K'e and the NSMA. We further urge the MVEIRB to direct De Beers to open discussions with the NWTMN on a mitigation package.

Lack of Resources to Participate

Being given the privilege to participate in the De Beers EA is a benefit. Having the resources to participate is a luxury. The NWTMN would like to submit that we feel extremely disadvantaged at having no assistance from the MVEIRB to carryout activities associated with this EA. Our records indicate that there are 2 additional exploration activities that have been referred to the MVEIRB. Both EA deferrals are within traditional Métis territory and within the NWTMN Interim Measures Agreement Area. We trust that we will be given primary community status and the resources to allow meaningful participation.

We urge the MVEIRB to note in the final report that the lack of resources available to aboriginal governments has handicapped our meaningful involvement and may result in the loss of benefits.

In closing, the combination of factors aligned against the NWTMN that are preventing us from becoming a meaningful partner in the De Beers Snap Lake Project is distasteful. The evidence tabled by De Beers, of which they neglect to disclose to us, carries very little meaning as it overlooks a combined land use history of the South Slave Métis with our Dene relatives. By their own MVLWB Type "B" Water License submission De Beers acknowledges NWTMN traditional land use in the general area of Snap Lake.

At the onset of our participation the NWTMN sought to work cooperatively with De Beers in resolving our concerns. We have never been anti-development, the very opposite is true; we encourage developers to explore our lands while collaboratively seeking partnerships and understanding on various activities and projects.

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Unfortunately, the attitude and approach by De Beers is far less than what we expected from a multi-national company that continually proclaims the virtues of their "partnership and community initiatives". The neglect and ignorance displayed by De Beers towards the NWTMN will only breed confrontation. The result of this confrontation will most likely result in the loss of benefits to Fort Resolution Métis, people who could really use the benefits from the Snap Lake Project to better their lives and community.

The diamonds that De Beers seeks to extract from Snap Lake have been there for millions of years. And if left untouched will remain for millions more. The NWTMN would better prefer a company that is more respectful of South Slave Métis history and tradition, a company that acknowledges our inherent rights and claims to this lake and is prepared to create a partnership based on understanding. De Beers Canada Mining Inc is obviously not the company who is prepared to achieve this goal and we feel that because of this, they should not be permitted to extract the Snap Lake diamonds.

The majority of our concerns revolve around the central point of consultation. Should De Beers have conducted meaningful consultation it would have been immediately clear that the Métis of Fort Resolution are primary stakeholders and deserve the right to access a mitigation package and benefits associated with the construction and operation of a mine.

Until the MVEIRB or De Beers is prepared to deal with the concerns outlined in this document it is clear that the NWTMN cannot support the Snap Lake Diamond Project as it will impact South Slave Métis interests without meaningful mitigation.

We trust that given our limited resources we have made our points clear for the MVEIRB to understand. Should you or any committee member have any further questions please contact us at your convenience. We look forward to a favorable response to our concerns in your final report to the Federal Minister.

Sincerely,



Jason E. Lepine
I.M.A Coordinator

c.c NWTMN Executive
All Métis Councils
J. McConnell - De Beers

3.0 LOCATION OF PROJECT

3.1 GEOGRAPHICAL SETTING

3.1.1 Location

Gahcho Kué, also known as "Kennady Lake" or the AK claimblock, comprised 132 predominantly full-sized claims or a total of 310 203.40 acres prior to selected claims being surveyed and taken to lease in 2002; the property currently is comprised of 30 claims or 74 128.00 acres. The claimblock is situated as follows: from 63°30' 30" N – 109° 39' 45" W at the NW boundary, thence east to the NE corners, being 63° 33' 00" N – 109° 05' 30" W and 63° 33' 00" N – 109° 00' 00" W and thence south to the SE corners, being 63° 28' 00" N – 109° 00' 00" W and 63° 25' 45" N – 109° 05' 30" W, thence west to the SW corner, being 63° 25' 45" N – 109° 39' 45" W. The DBCE camp, located in the NTS area 75N/06 at 63° 25' 48" N and 109° 12' 00" W, is sited on the south shore of a peninsula intruding into the south basin of a lake informally known as "Kennady Lake". The Kennady Lake environs are known to local Chipewyan land users as "Gahcho Kué".

Access to Kennady Lake is by floatplane in the summer and by ski-plane or wheeled plane landing on lake ice in the winter. The main Lupin winter road passes within 70 km of the camp. The DBCE Class A Land-Use Permit (*Appendix 8*) allows construction of a largely water-based temporary winter- access route from this winter road to Kennady Lake.

3.1.2 Physiography

The property is located in the barren grounds tundra, approximately 288 km south of the Arctic circle. The topography is characterised by rolling rocky ridges separated by low-lying muskeg and numerous shallow lakes. Local relief varies between 400 and 550m above sea level, but the area is generally very flat.

3.1.3 Traditional Land Use

Land claims for the area are not yet settled and mineral rights currently are vested in the Crown. Gahcho Kué is a traditional land-use area, principally of the Lutsel K'e Dene. Although the place name in Chipewyan is "Place of the Big Rabbit", the area is best known as an area occasionally traversed by barren grounds caribou, who have been observed to migrate through or adjacent to the claimblock in spring and autumn, and occasionally forage in or adjacent to the claimblock in summer.

Communities closest to the area are Lutsel K'e, Deninu Ku'e (Fort Resolution) and Yellowknife. DBCE commenced consultation with local Aboriginal groups, in autumn 1997, and is continuing this process. To date, traditional land use in or surrounding the area has been documented in reports by the Lutsel K'e First Nation and by the Fort Resolution Dene and Métis (the latter report is in progress); the Yellowknives Dene First Nation conducted a traditional land-use study for DBCE in 1999 in the region between MacKay Lake and Margaret Lake, but that study has to date not been presented to DBCE. (*Also refer to Socioeconomic section, Appendix 10*).

3.2 GEOLOGICAL SETTING

3.2.1 Regional Geology

The property is located within the granite-greenstone terrain of the Slave Structural Province. The metasedimentary and metavolcanic rock belts are 2.70 to 2.67 Ga. And have been intruded extensively by syn- and post-volcanic granitic plutons between ca. 2.70 and 2.58 Ga. (Relf, 1992). Several generations of Proterozoic rocks cross-cut the region (ENE, NE and NNW orientations).

Glaciation of the area from the last glacial event, the Late Wisconsinian, is predominantly west to east, and three flow directions have been observed, WSW, W and WNW (Hardy 1997). The regional till mapped by Hardy is described a predominantly a till veneer (less than 2 m thick) with discontinuous areas of thicker till blanket (from 2 to 5 m thick). Extensive and numerous glaciolacustrine basins in the area have caused extensive reworking of the tills, resulting in a loss of part of the fine matrix. Ablation till can be seen on some elevated local areas. Eskers are present on the current AK property and, in some cases, outwash fans are observed.

3.2.2 Kimberlite Geology

Kimberlites are considered to be a clan of potassic ultrabasic rocks which formed from a volatile rich magma. Clement and Skinner (1985) recognized three textural genetic facies of kimberlites associated with a particular style of magmatic activity: crater facies, diatreme facies and hypabyssal facies. Kimberlites are broken down into two groups: Group 1 and Group 2. Group 1 kimberlites comprise a petrologic clan of rocks that exhibit wide differences in appearance and mineralogy coupled with differentiation and diverse styles of emplacement of the magma (Mitchell, 1989). Group 2 kimberlites are only known from South Africa, where they form a petrological province.